

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHU SOI,
Petitioner,
vs.
THOMAS W. HUSSEY, et al.,
Respondent.
Case No. CV 15-5119 DDP (AJW)
ORDER REQUIRING RESPONSE TO
PETITION (FEDERAL CUSTODY)

In order to facilitate the just, speedy, and inexpensive determination of this action, **IT IS ORDERED** that:

1. The Clerk of this Court shall promptly (a) serve a copy of the petition and a copy of this Order on respondent(s) by delivering them to the United States Attorney for the Central District of California, or his/her authorized agent; and (b) serve a copy of this Order on petitioner.

2. If respondent contends that the Petition can be decided without the Court reaching the merits of petitioner's claims (e.g., because respondent contends that the Court lacks subject matter jurisdiction or that petitioner has failed to exhaust administrative remedies), respondent shall file a Motion to Dismiss within thirty (30) days of the date of this Order. The Motion to Dismiss shall not address the merits of petitioner's claims, but rather shall be confined to the basis for respondent's contention

1 that dismissal without reaching the merits of petitioner's claims is warranted.¹ At the
2 time the Motion to Dismiss is filed, respondent shall lodge with the Court all records
3 bearing on respondent's contention in this regard.

4 3. If respondent files a Motion to Dismiss, petitioner shall file his
5 opposition, if any, to the Motion within twenty (20) days of the date of service thereof.
6 At the time the opposition is filed, petitioner shall lodge with the Court any records
7 not lodged by respondent which petitioner believes may be relevant to the Court's
8 determination of the Motion.

9 4. Unless the Court orders otherwise, respondent shall not file a reply
10 to petitioner's opposition to a Motion to Dismiss. If the Motion is denied, the Court
11 will afford respondent adequate time to respond to petitioner's claims on the merits.

12 5. If respondent does not contend that the Petition can be decided
13 without the Court reaching the merits of petitioner's claims, respondent shall file and
14 serve an Answer to the Petition within forty-five (45) days of the date of this Order.
15 At the time the Answer is filed, respondent shall lodge with the Court all records
16 bearing on the merits of petitioner's claims. The Answer shall also specifically
17 address the necessity for an evidentiary hearing to resolve any issue.

18 6. Petitioner may file a single reply responding to matters raised in
19 the answer within twenty (20) days of the date of service of the answer. Any reply
20 filed by petitioner (a) shall state whether petitioner admits or denies each allegation
21 of fact contained in the answer; (b) shall be limited to facts or arguments responsive
22 to matters raised in the answer; and (c) shall not raise new grounds for relief that were
23 not asserted in the petition. Grounds for relief withheld until the reply will not be
24 considered. No reply shall exceed ten (10) pages in length absent advance leave of

26 1 If respondent contends that petitioner has failed to exhaust any
27 administrative remedies as to any ground for relief alleged in the Amended Petition,
28 respondent shall specify the administrative remedies still available to petitioner.

1 Court for good cause shown.

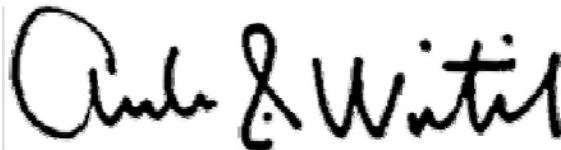
2 7. A request for an extension of time within which to file any answer
3 or reply will be granted only in extraordinary circumstances and only upon a showing
4 of good cause. Any such request shall be accompanied by a declaration explaining
5 why an extension of time is necessary.

6 8. Unless otherwise ordered by the Court, this case shall be deemed
7 submitted on the day following the date petitioner's opposition to a Motion to Dismiss
8 or the reply, as the case may be, is due.

9 9. Every document delivered to the Court must include a certificate
10 of service attesting that a copy of such document was served on opposing counsel (or
11 on the opposing party, if such party is not represented by counsel). Any document
12 delivered to the Court without a certificate of service will be returned to the
13 submitting party and will be disregarded by the Court.

14 10. Petitioner shall immediately notify the Court and counsel for
15 respondent of any change of petitioner's address. If petitioner fails to keep the Court
16 informed of where petitioner may be contacted, this action will be subject to dismissal
17 for failure to prosecute. See also C. D. Cal. Local Rule 41-6.

18
19 DATED: July 10, 2015



20
21
22 ANDREW J. WISTRICH
23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28